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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,149

07/15/2003

James L. Kroening

450.366US1

1189

7590

11/20/2006

Gateway, Inc.

Attention: Scott Charles Richardson

610 Gateway Drive, MD Y-04

N. Sioux City, SD 57049

EXAMINER

TRAN, DENISE

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/621,149

**Applicant(s)**

KROENING, JAMES L.

**Examiner**

Denise Tran

**Art Unit**

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,8-14,16,17,19,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14,16,17,19 and 31 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,9,11-13 and 30 is/are rejected.
- 7) ☒ Claim(s) 2,8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The applicant's amendment filed 9/1/06 has been considered. Claims 1-2, 4-5, 8-14, 16-17, 19, 30-31 are presented for examination. Claims 3, 6-7, 15, 18, and 20-29 have been canceled.

2. The indicated allowability of claims 4, 5, 11, and 30 are withdrawn.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 8 and 30, "locations are determined . . . a percentage of an address size . . ."

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 9, and 11-13, are rejected under 35 U.S.C. 102(b) as being anticipated by Paterson et al., U.S. Patent No. 6,412, 042.

As per claim 1, Paterson teaches a method of writing information to a storage device, the method, implemented in the storage device comprising:

receiving a dual write command to write information to the storage device (e.g., col. 11, line 60 to col. 12, line 20 );

determining two locations to write the information (e.g., col. 11, line 60 to col. 12, line 20);

performing a single reading of the information to be written into a read buffer (e.g., col. 11, line 60 to col. 12, line 20 );

writing the information to both of the two locations based on the single reading of the information (e.g., col. 11, line 60 to col. 12, line 20 );

wherein the read buffer of the storage device is not cleared between the writing of the information to both of the two locations (e.g., col. 11, line 60 to col. 12, line 20 );

wherein one of the two locations is within a reserve area of the storage device (i.e., one of the two area stored for future use, e.g., col. 11, line 60 to col. 12, line 20);  
and

wherein the reserve area is not accessible to a host command (i.e., one of two areas is not accessible to retrieve data to host command e.g., col. 11, lines 15-25; col. 18, lines 25-65 and et seq.) and a user is inherently taught by Paterson because a host command or instruction is generated by a user or a host is controlled by a user.

As per claims 4, 9, and 11-13, Paterson teaches the information to be read being associated with a write command designated a dual write operation (e.g., col. 11, line 60 to col. 12, line 20) and a bit flag is inherently taught by Paterson because in a computer system, a command or data is recognized by a bit flag, such as a write bit

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flag; the storage device comprising a disk drive (e.g., fig. 1, el. 10); the information is written to both of the locations during a same write cycle (e.g., col. 12, lines 1-20); the two locations comprise a first location and a second location based, the second location being upon a calculation performed on the first location (i.e., selecting the second location being upon comparing access time or error performed on the first location; e.g., col. 8, lines 50-60; col. 18, lines 35-45); and writing the information to both locations comprises writing the information to a plurality of locations comprising both locations and at least one additional location (e.g., col. 14, line 55 to col. 15, line 20).

6. Claims 5 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson et al., U.S. Patent No. 6,412, 042, in view of Official Notice.

As per claim 30, Paterson teaches a method of writing information to a storage device, the method, implemented in the storage device comprising:

receiving a dual write command to write information to the storage device (e.g., col. 11, line 60 to col. 12, line 20 );

determining two locations to write the information (e.g., col. 11, line 60 to col. 12, line 20);

performing a single reading of the information to be written into a read buffer (e.g., col.11, line 60 to col. 12, line 20 );

writing the information to both of the two locations based on the single reading of the information (e.g., col. 11, line 60 to col. 12, line 20 );

wherein the read buffer is not cleared between the writing of the information to both of the two locations (e.g., col. 11, line 60 to col. 12, line 20 ); and

wherein the information to be read is preceded by a data header designating a dual write operation (i.e., a write command is a header of data segment, e.g., fig. 12, el. 140; col. 11, line 60 to col. 12, line 20); and a file system (e.g., col. 14, line 37).

Paterson does not explicitly show having a data unit as a file or in a file organization.

“Official Notice” is taken that both the concept and advantages of having a data unit as a file or in a file organization are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the well known teaching of having a data unit as a file or in a file organization into the system of Paterson because it would allow a collection of related data storing on a storage device and provide an ease to access data arranged in an convenient order.

Claim 5, Paterson teaches the information to be read is preceded by a data header designating a dual write operation (i.e., a write command is a header of data segment, e.g., fig. 12, el. 140; col. 11, line 60 to col. 12, line 20); and a file system (e.g., col. 14, line 37). Paterson does not explicitly show having a data unit as a file or in a file organization. “Official Notice” is taken that both the concept and advantages of having a data unit as a file or in a file organization are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the well known teaching of having a data unit as a file or in a file organization into the system of Paterson because it would allow a collection of related

data storing on a storage device and provide an ease to access data arranged in an convenient order.

7. Claims 2, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 14, 16-17, 19 and 31 are allowable over the prior art of record.

9. Applicant's arguments filed 9/1/06 have been fully considered but they are not persuasive.

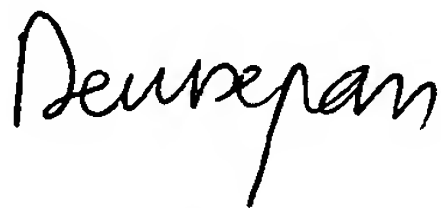
10. In the remarks, the applicant argued that Paterson does not teach that one of the two locations to which the information is written is within a reserve area of the storage device and that the reserve area is not accessible to a user in the cited passages.

The examiner disagreed with the applicant's argument because Paterson teaches wherein one of the two locations is within a reserve area of the storage device (i.e., one of the two area stored data for future use, e.g., col. 11, line 60 to col. 12, line 20); and wherein the reserve area is not accessible to a host command (i.e., one of two areas is not accessible to retrieve data to a host command; e.g., col. 11, lines 15-25; col. 18, lines 25-65 and et seq.) and a user is inherently taught by Paterson because a host command or instruction is generated by a user or a host is controlled by a user.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (571) 272-4189. The examiner can normally be reached on Monday, Thursday, and an alternated Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah, can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Denise Tran

11/9/06